

REMARKS

Reconsideration of the rejections set forth in the Office Action dated April 5, 2010, is respectfully requested. In the Office Action, the Examiner rejected claims 54-74. Applicant herein has amended claims 54, 65, and 74. Accordingly, claims 54-74 remain pending in the application. No new matter has been added as can be confirmed by the Examiner.

- A. The Cited Prior Art References Do Not Disclose Or Suggest Creating A Data Interface For Sending To A Computer System, Said Data Interface Designed For Promotion Of a Business via Email, And Comprising a Hyperlink and Sending The Data Interface to an Email Address With Intention to Display the Data Interface on the Computer System, As Recited In Claims 54-74.

In the Office Action, the Examiner rejected claims 54-74 each under 35 U.S.C. § 103(a) as allegedly being rendered obvious by Bezos et al. (hereinafter "Bezos"), United States Patent No. 6,029,141, further in view of Messer et al. (hereinafter "Messer"), United States Application Publication No. 2004/0230491, further in view of Ylonen (hereinafter "Ylonen"), United States Application Patent No. 6,782,474. Applicant respectfully submits, however, that at least one recited element of independent claims 54, 65, and 74, is totally missing from the cited prior art references, both individually and in combination. Accordingly, independent claims 54, 65, and 74, as well as claims 55-64 and 66-73 that depend therefrom, are in condition for allowance.

Amended independent claims 54, 65, and 74, recite creating a data interface for sending to a computer system, said data interface designed for promotion of a business via email, and comprising a hyperlink and sending the data interface to an email address with intention to display the data interface on the computer system. The Examiner does not, and cannot, assert that Bezos in view of Messer further in view of Ylonen teaches or even suggests creating a data interface for sending to a computer system, said data interface designed for promotion of a business via email, and comprising a hyperlink and sending the data interface to an email address with intention to display the data interface on the computer system, in the manner set forth in amended independent

claims 54, 65, and 74. Accordingly, Applicants submit that Bezos in view of Messer further in view of Ylonen does not bear upon the patentability of claims 54-74.


The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. In view of all factual information, the examiner must then make a determination whether the claimed invention "as a whole" would have been obvious at that time to that person. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art. (M.P.E.P. § 2142).

Here, the Examiner has not established a *prima facie* case under 35 U.S.C. § 103(a) because, as shown above, all of the elements of the pending claims are not found in the cited references. None of the above references, neither individually nor in combination, disclose or even suggest creating a data interface for sending to a computer system, said data interface designed for promotion of a business via email, and comprising a hyperlink and sending the data interface to an email address with intention to display the data interface on the computer system, as recited in independent claims 54, 65, and 74, as amended. At least one recited element of independent claims 54, 65, and 74 therefore is totally missing from the cited prior art. Accordingly, Applicant respectfully submits that independent claims 54, 65, and 74 are neither anticipated by, nor rendered obvious by, Bezos in view of Messer further in view of Ylonen and that claims 54-74 are in condition for allowance.

For at least the reasons set forth above, Applicant submits that claims 54-74 are in condition for allowance. A Notice of Allowance is earnestly solicited. The Examiner is encouraged to contact the undersigned at (408) 341-2345 if there is any way to expedite the prosecution of the present application.

Respectfully submitted,

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